

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

SARA L SHOEMAKER  
5227 POMMEL PL  
WEST DES MOINES IA 50265-2750

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Section 96.5(1) – Quit  
Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

The employer, Westaff, filed an appeal from a decision dated February 8, 2006, reference 01. The decision allowed benefits to the claimant, Sara Shoemaker. After due notice was issued a hearing was held by telephone conference call on March 13, 2006. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Branch Manager Robert Fava.

Appeal Number: 06A-UI-02182-HT  
OC: 01/08/06 R: 02  
Claimant: Respondent (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

#### FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Sara Shoemaker was employed by Westaff from November 12, 2004 until November 22, 2005. She was a recruiter at Electronic Data Systems for Westaff.

November 22, 2005 was the last day she worked. She was not scheduled November 23, 24, and 25, 2006, due to the holiday. Her next scheduled day was November 28, 2005 but she was no-call/no-show to work. The employer attempted to contact her by voice and e-mail on December 9 and 14, 2005, but received no reply.

Sara Shoemaker filed a claim for unemployment benefits with an effective date of January 8, 2006. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.25(4) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

- (4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The claimant ceased coming to work after November 22, 2005. While she might have had good personal cause to stop coming to work but she did not communicate those reasons to the employer. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of February 8, 2006, reference 01, is reversed. Sara Shoemaker is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/tjc